

OCA 2422-88

# United States Senate

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OCA FILE

*CSJOD*  
*FOIA Sen*

June 30, 1988

[Redacted]  
Central Intelligence Agency  
Washington, D.C. 20505

Dear [Redacted]

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The Freedom of Information Act establishes a public right to obtain government records, unless the request falls within narrow statutory exemptions. Federal agencies are charged with the important obligation of ensuring that FOIA is properly administered.

In order to assess agency compliance with the requirements of FOIA, the Judiciary Subcommittee on Technology and the Law is planning an oversight hearing. This hearing will examine current agency practices, particularly processing times and fee determinations.

The questions enclosed supplement the annual FOIA reporting requirements and will assist the Subcommittee in preparing for the hearing. Please provide complete answers to these questions and return them by July 21 to the Senate Subcommittee on Technology and the Law, Senate Hart Office Building Room 815, Washington, DC 20510. You should also forward a complete set of form letters that are sent by your office to FOIA requesters.

If you have any questions regarding this matter, please contact Marc Rotenberg, Counsel to the Judiciary Subcommittee on Technology and the Law, at 224-3406.

Your prompt response is appreciated.

Sincerely,

*Patrick Leahy*  
PATRICK LEAHY  
United States Senator

PJL/msr  
Enclosure

JUL

## FREEDOM OF INFORMATION ACT

Agency:  
Official:  
Date:

These questions are for the 1987 FOIA reporting year, January 1, 1987 to December 31, 1987. Please include attachments where appropriate.

### A. FEES ASSESSED

In 1986, the Freedom of Information Act was amended and certain changes in the fee assessment standard were adopted. See 5 U.S.C. 552(a)(4)(A). For this section only, please provide answers to each question for the period before the the Freedom of Information Reform Act became effective, January 1 to April 25, 1987, and the period after it became effective, April 26 to December 31, 1987.

(1) How many FOIA requests were granted in whole or in part in 1987?

(2) For how many of these requests were fees assessed according to the "commercial use" standard in clause (ii)(I)? List all requesters assessed fees under this clause.

(3) For how many of these requests were fees assessed according to the "non-commercial use" standard, (ii)(II)? List all requesters assessed fees under this clause.

(4) For how many of these requests were fees assessed according to the "all other" standard, (ii)(III)? List all requesters assessed fees under this clause.

(5) For how many of these requests were fees waived under the "public interest" standard, (iii)? List all requesters granted waivers under this subparagraph.

(6) For how many of these requests were fee waivers denied, in whole or in part? List all requesters denied fee waivers under this subparagraph.

(7) How many requests were denied because of refusal to pay fees in accordance with subparagraph (v)? For each request so denied, indicate the nature of each request and the reason for each denial.

(8) How many requests were denied because of the requester's refusal to pay fees for reasons other than those specified in subparagraph (v)? Please describe each request so denied.

(9) What is the agency's policy on processing FOIA requests when the initial fee determination has been disputed?

(10) How many FOIA requesters submitted more than ten separate FOIA requests to your agency during 1987? For each such requester, please provide the total number of FOIA requests made by that requester, and the total amount of any fees waived or fee reductions extended to that requester.

(11) Please provide the best available information on the total amount of fees waived by your agency and the total amount of fee reductions during 1987.

#### B. DOCUMENT AVAILABILITY

(1) Does your office maintain a public list of records that previously have been disclosed under FOIA?

(2) How many, if any, requests, were not fulfilled because the requested record was not in the possession of the agency?

(3) How many, if any, requests were not fulfilled because no responsive documents were found?

(4) How many, if any, requests were not fulfilled because responsive documents had been altered?

(5) How many, if any, requests were not fulfilled because responsive documents had been destroyed?

(6) How many, if any, requests were not fulfilled initially because of insufficient specificity?

(a) How many of these requests were resubmitted after modification?

(b) How many of these modified requests were subsequently granted?

(c) Does the agency assist requesters in reformulating their requests in those instances in which it has determined that the original request was not specific enough?

#### C. EXPEDITION

(1) Does the agency have any procedure for expediting FOIA requests? If so, what factors are considered?

(2) How does a determination to expedite a FOIA request change the processing?

(3) How many requests were granted under the expedited procedure in 1987?

#### D. STAFFING

(1) How many professional staff members were employed in the FOIA office in 1987? How many were full-time? How many were part-time?

(2) How many professional staff vacancies occurred in 1987? What was the average period of time required to fill these positions?

(3) What was the average period of employment for professional staff members in the FOIA office, as of December 31, 1987?

(4) How many support staff members were employed in the FOIA office in 1987? How many were full-time? How many were part-time?

(5) How many support staff vacancies occurred in 1987? What was the average period of time required to fill these positions?

(6) What was the average period of employment for support staff members in the FOIA office, as of December 31, 1987?

#### E. ELECTRONIC RECORDS

(1) How many FOIA requests were for information maintained by your agency in an electronic format, e.g. magnetic tape, magnetic disk, optical disk, or similar non-paper record system?

(2) How many requests for records maintained by the agency in an electronic format were denied because (a) the agency determined that the request was not a "record" under the FOIA, (b) the request would cause an undue burden for the agency, or (c) for some other reason? In each instance, describe the nature of the request, the format in which the information is stored, and a copy of the agency determination or notice.

(3) How many requests were made for records to be provided in a particular electronic format, e.g. magnetic tape? In each instance, was the information released in the format requested? How was each determination made? How is the determination made if the record exists only in an electronic format?

(4) Approximately what percentage of records disclosed under FOIA in 1987 were stored by the agency in an electronic format? In what formats were they stored? In what formats were they disclosed?

(5) Has the agency considered facilitating record disclosure under FOIA in developing plans for agency record automation? If so, how?

(6) Has the agency established any policy for disclosure of electronic records to FOIA requesters? If so, please provide a statement of the policy.

(7) Has the agency denied requests for previously disclosed records because the information no longer exists in a paper format?

(8) How are fee determinations made for the disclosure of records in electronic formats so as to be consistent with the requirements of the Freedom of Information Reform Act?